
City of Reading City Council

Regular Meeting Monday, September 22, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Reverend Joseph Wilkerson, of the Total Christian Family Center.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman–Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Councilor J. Waltman, District 6

Mayor T. McMahon
Managing Director R. Hottenstein
Public Works Director C. Jones
City Solicitor C. Younger
City Auditor D. Cituk
Public Works Director C. Jones
City Clerk L. Kelleher
Sgt. At Arms Capt. R. Shaeffer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing National Hispanic Heritage Month, accepted by Jonathan Encarnacion, of the Hispanic Center.

Mayor McMahon issued Recognizing National Alzheimer's Awareness Month, accepted by Dr. Karen Gorski

Mayor McMahon issued mural artist commendations to the following;

- Mural Artist Commendations presented to:
 - Martha Frutos -RACC - mural on Elm & Moss
 - Luis Beltran - RACC - mural at Reading Iron Playground
 - Ebony Bradley - RHS - mural on Rose & Buttonwood
 - Janelle Sweigart - RHS - mural on Gordon & Greenwich
 - Rachel Stewart - RHS - murals at Angelica dedication and City playgrounds
 - Hannah Christophel - RHS - murals at Angelica dedication and City playgrounds
 - Ed Terrell - "senior muralist" for his work at Barby Playground and with the 6th ward youth

PUBLIC COMMENT

Council President Spencer announced that one citizen was registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rules to allow the citizens to address the body now rather than at the end of the meeting. As no one objected that rule was suspended. Council President reminded the citizen of the remaining public speaking rules.

Ted Chase – of Eckert Avenue, expressed his belief in the enforcement of the Housing and Zoning Regulations and the ability of the City to address problem landlords through the court system. He noted the inaccurate

information provided in the letter mailed to residents concerning the new housing permit regulations.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the August 25th and the September 8th Regular Meeting of Council. He noted the need to amend the agenda to add an ordinance for introduction that would re-number all 2008 Bills which amended the Housing Permit Ordinance. He also stated that the adoption of the agenda would also include the legislation under the Consent Agenda heading.

Councilor Fuhs moved, seconded by Councilor Marmarou, to approve the minutes from the August 25th and the September 8th Regular Meetings of Council and the agenda as amended including the legislation under the Consent Agenda Heading. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 97-2008 – That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said renovations and improvements, including, but not limited to, a certain contractual agreement between Land – Tech Enterprises and the City of Reading **(Public Works)**

Resolution 98-2008 – That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said vehicles, including, but not limited to, a certain contractual agreement between Wachovia Bank and the City of Reading **(Law)**

Award of Contract – to Mr. Rehab, Inc., 3 Long Lane, Mechanicsburg, PA 17050, who is the low bidder, at a total submitted bid price of \$830,714.10 for the sanitary sewer system smoke testing and dyed water tracing **(Purchasing)**

ADMINISTRATIVE REPORT

Managing Director Hottenstein read the report distributed to Council at the meeting covering the following:

- Mayor's Prayer Breakfast scheduled for September 23rd
- Film Festival offered by the Berks Arts Council scheduled for October 2nd and 3rd at Reading Movies 11
- A report on Riverfest

Councilors Goodman–Hinnershitz and Marmarou expressed their hope that the Riverfest event continues.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council covering the following

- Collection of 2008 Admission Fee Tax
- Collection of 2008 Real Estate Transfer tax
- Collection of Malt Liquor Tax between 2003 and 2008

Councilor Goodman–Hinnershitz inquired if the Jehovah's Witness pay admissions tax. City Auditor Cituk stated that admission tax is not paid as this is not a ticketed event. Ms. Kelleher inquired admissions tax would not be due as this group is leasing the facility for their events. Councilor Waltman agreed noting that the lease payment buys them blanket ticket for all who wish to attend. He asked that this topic be placed on the Finance Committee Agenda.

Council President Spencer inquired about the length of the contract with the Jehovah's Witness. Mr. Hottenstein stated that the contract expires either this year or next.

REPORTS FROM DIRECTORS BOARDS, AUTHORITY'S, AND COMMISSIONS

Mr. Spencer announced that the presentation from the Reading Area Water Authority has been postponed due to a schedule conflict.

ORDINANCES FOR FINAL PASSAGE

Ordinance 58–2008 – Requiring the POW MIA flag be flown at all City owned public buildings (Fuhs) *Introduced at the September 8 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz, to table Bill 58–2008

Bill 58–2008 was tables by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer, President – 7
Nays – 0

Ordinance 59–2008 – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors (Council Staff) *Introduced at the September 8 regular meeting of Council*

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 59–2008

Councilor Baez announced her desire to withdraw the motion to second the enactment of the bill. As no one objected, the motion was withdrawn.

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 59–2008

Bill 59–2008 was tabled by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz Waltman, Spencer,
President – 5
Nays –Marmarou, Sterner 2**

Councilor Sterner expressed his displeasure that this bill was tabled as the Public Safety Committee has been working on this amendment for approximately six months.

Ordinance 60–2008 – amending the City Of Reading 2008 Full-Time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position (Managing Director) *Introduced at the September 8 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 60–2008

Managing Director Hottenstein explained that this ordinance is part of the reorganization to increase the efficiency of the Administration.

Councilor Goodman–Hinnershitz agreed with the proposed reorganization as it will return the structure of this department to its original form.

Council President Spencer noted the need to also make the necessary amendments to the Administrative Code and the Organizational Chart.

Bill 60–2008 was enacted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz Waltman, Marmarou,
Sterner, Spencer, President – 7
Nays –0**

Ordinance 61–2008 – setting the salary of the Managing Director at \$100,000 (Mayor) *Introduced at the September 8 regular meeting of Council*

Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill 61–2008

Mayor McMahon asked Council to support the recommended salary due to the level of experience Mr. Hottenstein brings to the job.

Councilor Waltman stated he will support the ordinance due to the experience of the candidate.

Councilor Fuhs inquired about the salary range for the managing director position. Mr. Hottenstein stated that he believes the salary range is set between \$85,000 and \$115,000.

Bill 61–2008 was enacted by the following vote:

Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Waltman 5
Nays –Fuhs, Spencer, President 2

Ordinance 62–2008– amending the City of Reading Codified Ordinances, Property Maintenance Code by changing the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance to make it comply with the newly enacted Housing Permit Ordinance (Law Dept) *Introduced at the September 8 regular meeting of Council*

Councilor Goodman–Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 62–2008

Bill 62–2008 was enacted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer, President – 7
Nays – 0**

Council President Spencer announced Council's desire to remove Bill–56–2008 from the pending agenda and consider it this evening.

Bill No. 56–2008 – an ordinance creating a committee to assist, guide and participate in the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (Law Dept) – Introduced at the August 25 meeting of Council; tabled at the September 8 regular meeting

Councilor Waltman moved, seconded by Councilor Baez, to enact Bill 56–2008

Councilor Waltman noted that the creation of this Committee is a starting point to begin the amendment of the zoning ordinance.

Councilor Goodman–Hinnershitz noted the importance in using a proper process to amend the zoning ordinance.

Bill 56–2008 was enacted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer, President – 7
Nays – 0**

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record.

Ordinance – Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled

“Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor)**

Ordinance – Amending the 2008 City Of Reading Full-Time Position Ordinance by Eliminating and Creating Positions As Outlined Herein

Ordinance – renumbering Bill No. 54, 55, and 43– 2008 to match that used in the Codified Ordinance Book.

RESOLUTIONS

Resolution 99–2008 – appointing Dennis Straub to an alternate position on the Animal Control Board **(Admin Oversight)**

Resolution 100–2008 – reappointing Ermete Raffaelli to the Planning Commission **(Admin Oversight)**

Resolution 101–2008 – reappointing Elizabeth Stanley to the Charter Board **(Admin Oversight)**

The Administrative Oversight Committee moved to adopt Resolution 99,100, and 101–2008.

Councilor Marmarou noted the skill and experience of those being reappointed and the energy and knowledge of the candidates being appointed to the Animal Control Board.

Councilor Baez agreed with the remarks made by Councilor Marmarou.

Councilor Goodman–Hinnershitz noted the community spirit of those stepping forward to volunteer on the Boards, Authorities, and Commissions.

Resolution 99,100 and 101–2008 was adopted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7**

Nays – 0

**Resolution 102–2008 – seeking injunctive or declaratory judgment
relief on the proposed sale of the airport parcel (City Council)**

**Councilor Fuhs moved seconded by Councilor Waltman to adopt
Resolution 102–2008.**

Council President Spencer explained the background noting that Council began speaking with Airport Authority Representatives when they learned about the proposed sale approximately four years ago. He stated the Airport parcels were transferred over to the City approximately sixty years ago by the War Assets Administration. He stated that the Deed restrictions provide that the land only be used for airport purposes. He noted Council's belief that as the City is the rightful owner of the parcel, the City should be involved in this real estate transaction.

Councilor Waltman noted the years of discussion on this issue. He noted his review of the legal documents lead him with the belief that the sale does not agree with the intent of those who created the Airport Authority. He agreed that as the City is the rightful owner, Council will need to be involved in this transaction.

Resolution 102–2008 was adopted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7**

Nays – 0

COUNCIL COMMENT

Councilor Marmarou noted the diligence of Mr. Chase in holding his landlord accountable. He stated that it is unfortunate that the landlord was not held responsible by the Magisterial District Justice.

Managing Director Hottenstein stated that the Human Relations Commission will be asked to investigate.

Councilor Fuhs noted the success of the town meeting held at Calvary Church and thanked Deputy City Clerk Katzenmoyer for her assistance to arrange the meeting. He stated that he is currently following up on the issues identified by the citizens attending the town meeting.

Councilor Fuhs inquired about the role of the Joyce Foundation with the Mayor's efforts to control fire arms.

Mayor McMahon replied that the Joyce Foundation provides support to anti-gun efforts. He noted support from the Attorney General on this movement. He stated that the Ordinance introduced the evening has undergone intense scrutiny. He stated that the ordinance requires no further review as it is a no brainer.

Councilor Fuhs stated said he looks forward to debating the Mayor on this issue. He noted that language in the Ordinance does not include references to firearms used in crimes.

Councilor Goodman-Hinnershitz asked the Administration to supply Council with a report in writing as they investigate the issues at 1245 Eckertt Avenue.

Councilor Goodman-Hinnershitz noted the work of the Park and Recreation Advisory Committee to tour the City's parks and playgrounds. She thanked the Deputy City Clerk for assisting in facilitating the Parks and Recreation Advisory Committee.

Councilor Baez noted the upcoming Community Meeting on Thursday October 2nd at the Jamestown Conference Room at 6:30pm.

Councilor Baez also announced the Fund the Fence Fundraiser scheduled for Saturday October 4th from 10 to 2 pm at AME Bethel Church. She stated that this flea market is arranged to raise funds to purchase and install a fence behind AME Bethel Church.

Councilor Waltman congratulated the Hispanic Community and noted his support and belief in the value ethnicity brings to the urban environment.

Councilor Waltman stated that the City is beginning its efforts to enforce the Housing Permit Process. He noted that any process has steps that will help refine the entire program.

Councilor Waltman agreed with the difficulties on the debate of the firearms. He expressed his belief that the legislation offers a middle ground to save lives.

Councilor Sterner noted the beauty of the new murals in many city neighborhoods and their success in deterring graffiti.

Councilor Sterner noted the severity of Alzheimer's disease on those affected and their families.

Councilor Sterner expressed the belief that the City has made progress in enforcing the housing permit process. He noted that the bumps of the enforcement process will be worked out. He noted that during past discussions on the enforcement process, Council requested that an escrow provision be written into Housing Permit Ordinance. He noted that a landlord who loses his income will be more encouraged to comply.

Councilor Sterner again expressed his displeasure that Council tabled the Sidewalk Vendor Ordinance as the Public Safety Committee has worked

on that Ordinance for 4 to 6 months. He stated that the Sidewalk Vendor Ordinance was passed last year and is modeled after ordinances used in other Pennsylvania Communities. He stated that the Ordinance sets safety requirements on the equipment used and seeks to regulate a previously unregulated program. He noted the importance of moving this commercial activity to the downtown area.

Councilor Sterner announced the District 6 Crime Watch Meeting on Wednesday October 24th at 6:30 pm at 13th & Green Elementary School. He stated that the meeting will focus on the after school fights around Reading High School. He noted that the Outlet Neighborhood also meets that same evening at 7 pm.

Councilor Goodman-Hinnershitz agreed with the benefits provided by the mural program and the empowerment the programs provides to youth.

Councilor President Spencer agrees with the need to take corrective action at Reading High at dismissal time and throughout the school day. He noted his observation of many school aged children milling around the adjoining neighborhoods throughout the school day.

Council President Spencer and Councilor Fuhs requested an update on the search for a Finance Director. Mr. Hottenstein stated that they are currently refining the job description. They plan to seek assistance from the Chamber of Commerce and begin to advertise in the GFOA and Reading Eagle.

Council President Spencer noted that he recently attended and spoke at the past zoning hearing board meeting concerning properties purchased by the Reading School District as a citizen, not as President of Council.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk